

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
UPPER SNAKE FIELD OFFICE**

**Decision Record**

**For the**

**Phillips Water Facilities Right-of-Way IDI-5853 (Williams Creek) Associated Culvert  
Environmental Assessment DOI-BLM-ID-I010-2012-0076-EA**

## **Introduction and Background**

On March 29, 2010, Mrs. Billie Phillips filed an application to renew right-of-way (ROW) IDI-5853, for the continued use of public land in Butte County for an irrigation diversion structure and a buried pipeline approximately 3,300 feet in length and thirty wide, encumbering 2.27 acres, more or less. The ROW, which expired on November 22, 2007, was authorized under the Federal Land Policy and Management Act (FLPMA) of 1976 as amended (43 U.S.C. 1761) (FLPMA) and the regulations found in 43 CFR 2800. The ROW is located in SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of section 10, T. 9 N., R. 27 E., Boise Meridian, Idaho. The diversion facilities divert water out of Williams Creek into a pipeline. Williams Creek is occupied habitat for a population of bull trout, (*Salvelinus confluentus*) and the fish are a federally listed threatened species. In order to renew the right-of-way, the Bureau of Land Management had to ensure compliance with the Endangered Species Act (ESA).

In addition to the need to renew the ROW, the EA explains that the existing access road which crosses Williams Creek about 1/2 mile above the upper diversion is contributing to sediment in the stream. The installation of a culvert was analyzed to assess the potential to prevent further erosion of the road crossing and to prevent sediment from entering the stream. Appendix A includes guidelines found in the "Conservation Measures Applicable to Programmatic Activities (As Identified in the Assessment) Stream Crossing Replacement and or Removal Programmatic Consultation," which will be followed.

Installation of culverts in bull trout streams is analyzed in the *Programmatic Concurrence and Biological Opinion for Stream Crossing Structure Replacement And Removal Program in Idaho National Forests: Payette, Boise, Sawtooth, Salmon-Challis, Nez Perce and Clearwater; Idaho/Nevada Bureau of Land Management: Challis, Cottonwood, Coeur d'Alene, Four Rivers, Jarbidge, Salmon, and Upper Snake Field Offices, 2006*. All conservation measures and best management practices will be followed; therefore, no additional Section 7 Consultation is required on this action.

## **Decision**

It is my decision to allow for the installation of a culvert located NW $\frac{1}{4}$ SE $\frac{1}{4}$  of section 2, T. 9 N., R. 27 E., Boise Meridian, Idaho. The culvert would be installed using conservation measures identified in Appendix A of the Environmental Assessment. This decision does not include the amendment and renewal of ROW, IDI-5853, or any associated features.

## **Rationale**

Installation of the culvert as described in Alternative C meets the purpose and need for this action. Implementing this action will reduce sediment in Williams Creek, allowing for long-term maintenance of the channel and associated riparian-wetland vegetation, improvement of water quality, and mitigation of sediment impacts to bull trout.

I have determined that the proposed action is in conformance with the *Little Lost-Birch Creek Management Framework Plan (1981)*. The Little Lost-Birch Creek MFP in Decision #2 under the Watershed Resource calls for reducing erosion, increasing vegetative cover and improving watershed condition through land treatments or improved management. This culvert installation would reduce severe bank erosion presently occurring at the low water crossing.

Based on the analysis of potential environmental impacts contained in DOI-BLM-ID-I010-2012-0076-EA, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

*/s/ Jeremy Casterson*

Jeremy Casterson, Upper Snake Field Manager

Date: July 10, 2014

## **Appeal Information:**

Appeal procedures may be found at *43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10*.